

ORIGINAL

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D. C. 20554

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JUN 13 1997  
Federal Communications Commission  
Office of Secretary

In re )  
 )  
Amendment of 47 CFR §73.202(b), ) MM Docket No. 97-  
FM Table of Allotments ) RM-  
(Newaygo, Michigan) )

TO: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

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**PETITION FOR RULEMAKING**

Robert R. Moore, Jr. (Moore), by his attorney, hereby respectfully submits this Petition for Rulemaking and respectfully requests the Commission to amend its FM Table of Allotments, 47 C.F.R. §73.202(b), in the following respect:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
<b>Newaygo, Michigan</b>	- -	<b>223A</b>

In support whereof, the following is shown:

1. **Preliminary Statement.** Moore hereby petitions the Commission for the allocation of Channel 223A (92.5 MHz) at Newaygo, Michigan in order for that community to have a first local aural broadcast outlet of any type. As will be discussed in greater detail below, the allocation of Channel

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223A with the imposition of a site restriction of 10.3 kilometers (6.4 miles) west-southwest of Newaygo, will allow for compliance with all spacing requirements of Section 73.207 of the Rules while permitting city-grade coverage of all of Newaygo in compliance with Section 73.315 of the Rules. The reference coordinates for a hypothetical fully-spaced site for the proposed allocation of Channel 223A at Newaygo are as follows:

**43° 23' 00" North Latitude  
85° 55' 00" West Longitude**

2. **Statement of Interest.** In the event that Channel 223A is allocated to Newaygo, Moore will file an application with the Commission for a construction permit for a new FM Broadcast Station on Channel 223A at Newaygo. In the event that such application is granted, Moore would construct and operate the resulting FM station.

3. **Community Status of Newaygo, Michigan.** Newaygo is an incorporated city. According to the 1990 Census of the United States, Newaygo has a population of 1,336 persons. The West Michigan Regional Planning Commission has estimated that, by 1996, Newaygo's population had grown to 1,643. Newaygo has its own post office and own unique zip code, 49337. Newaygo provides municipal police, fire and public

works services with an employee count of 38 persons. Newaygo, along with portions of surrounding townships, has its own public school system, headed by Newaygo High School. Newaygo maintains a municipal water plant with a 1,000,000 gallon capacity as well as a sewer system for its residents. Local economic development is fostered by the Newaygo Chamber of Commerce. Newaygo has seven churches.

4. Newaygo boasts seven companies engaged in non-retail, light industrial activities, with an aggregate of 670 employees. The largest of these is Donnelly Corp. which employees over 350 full-time and part-time workers; the next largest is Therm-o-disc which employs 135 persons. Newaygo has its own industrial park encompassing 56 acres and featuring underground utilities. Newaygo has offices of three financial institutions (Independent Bank; Newaygo Banking Center; and FMB-Old State Bank). Petitioner has reviewed the Newaygo County telephone directory (produced by local telephone company Ameritech) and has determined that the yellow pages from that directory reflect 208 retail and non-retail listings for Newaygo.

5. **Allocation Considerations.** Engineering consultant Jack L. Maciejewski of Muskegon, Michigan determined for petitioner that the geographic coordinates for Newaygo,

Michigan are: 43° 25' 12" North Latitude; and 85° 48' 00" West Longitude. The distance and bearing from Newaygo to the Channel 223A reference coordinates (43° 23' 00" North Latitude; 85° 55' 00" West Longitude) is 10.3 kilometers at 247° true. The purpose of the site restriction is to accord full spacing protection to both co-channel FM Broadcast Station WJSZ, Channel 223A, Ashley, Michigan and second-adjacent channel FM Broadcast Station WKJF-FM, Channel 225C, Cadillac, Michigan. An "FM Spacing Study" prepared June 12, 1997 by DataWorld of Bethesda, Maryland showing that a Channel 223A transmitter site at the reference coordinates would be fully-spaced to all co-channel and adjacent-channel stations, applications and allocations is appended hereto as Exhibit 1. There is appended hereto as Exhibit 2 a map prepared by Mr. Maciejewski showing the open area for a Channel 223A assignment in southwest Newaygo County, Michigan. As the site is within eight miles of all portions of Newaygo, a station operating with maximum Class A facilities of 6.0 kilowatts effective radiated power and antenna 100 meters above average terrain will provide city-grade coverage to Newaygo in accordance with Section 73.315(a) of the Commission's Rules.

6. Canadian Concurrence Requested. Newaygo, Michigan is located within 320 kilometers of the international boundary between the United States and Canada. Thus, pursuant to Section 73.207(b)(2), petitioner requests the Commission to obtain Canadian concurrence with respect to this proposal.

7. Conclusion. Newaygo, Michigan has no aural broadcast station at present, and the allocation of Channel 223A there would provide the community with a first local broadcast outlet of self-expression. This is a primary objective of 47 U.S.C. §307(b), which calls for broadcast stations to be distributed among the states and communities in a "fair, efficient and equitable manner". As Exhibit 2 demonstrates, there are locations available for the construction of a Channel 223A transmitter site which are fully-spaced to all existing stations and pending applications and which can provide 70 dBu or better field strength to all of Newaygo. These are all public interest reasons why this petition should be granted and Channel 223A allocated to Newaygo, Michigan.

**WHEREFORE,** Robert R. Moore, Jr. urges that the Commission allocate FM Channel 223A to Newaygo, Michigan.

Respectfully submitted,

ROBERT R. MOORE, JR.

By 

Dennis J. Kelly  
(D. C. Bar #292631)  
His Attorney

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June 13, 1997

ROBERT R. MOORE, JR.  
CH. 223A, NEWAYGO, MI  
EXHIBIT NO. 1

DENNIS KELLY, ESQ.  
ANNAPOLIS, MD

FM Spacing Study

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Job title: NEW AYGO, MI  
Channel 223A  
FM Translators excluded.  
Coordinates: 43-23-00 85-55-00  
Safety zone: 30 km ( 18 miles).

DENNIS KELLY, ESQ.  
ANNAPOLIS, MD

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## FM Spacing study

Title: NEW AYGO, MI  
Channel 223A ( 92.5 MHz)  
Database: FCC 05/01/97

Latitude: 43-23-00  
Longitude: 85-55-00  
Safety zone: 30 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
WQKO	LIC	Maranatha Christian Fell	*220A	3	41-38-59	166.3	198.1	31
Howe	IN		91.9	91	85-21-12	346.7	167.1	CLEAR
WGHN-FM	LIC	WGHN, Inc.	221A	3	43-03-23	216.0	44.87	31
Grand Haven	MI	BLH-861110KA	92.1	75	86-14-27	35.7	13.87	CLOSE
ALLOC			221A		43-03-23	216.0	44.87	31
Grand Haven	MI		92.1		86-14-27	35.7	13.87	CLOSE
WNTX	LIC	Spectrum Communications,	222A	.86	42-34-52	171.5	90.09	72
Allegan	MI	BLH-910509KD	92.3	183	85-45-17	351.7	18.09	CLEAR
ALLOC			222A		42-33-22	176.2	92.10	72
Allegan	MI	DOC-84-231	92.3		85-50-32	356.3	20.10	CLEAR
Filing window 03/11-04/21/88 **CLOSED**								
ALLOC			223A		43-11-12	100.1	119.0	115
Ashley	MI	DOC-89-536	92.5		84-28-30	281.1	4.036	CLOSE
Filing window 12/03-01/02/91 **CLOSED**								
WJSZ	LIC	Owosso Broadcasting Comp	223A	2	43-10-56	100.2	121.1	115
Ashley	MI	BLH-940323KB	92.5	122	84-27-03	281.2	6.059	CLOSE
ALLOC			223B		43-25-45	272.3	193.0	178
West Bend	WI		92.5		88-17-53	90.7	14.97	CLOSE
WBWI-FM	LIC	West Bend Broadcasting C	223B	17.5	43-25-46	272.3	193.2	178
West Bend	WI	BLH-950601KA	92.5	164	88-18-02	90.7	15.17	CLOSE
WAIR	LIC	Northern Michigan Radio,	223C1	100	45-01-00	33.9	220.4	200
Atlanta	MI	BLH-881107KA	92.5	265	84-21-10	215.0	20.38	CLEAR
ALLOC			223C1		45-00-18	37.5	229.3	200
Atlanta	MI	DOC-78-221	92.5		84-08-36	218.7	29.28	CLEAR
WEVS	LIC	Ed Ver Schure Communicat	224A	2.15	42-41-10	194.8	80.12	72
Saugatuck	MI	BLH-870715KC	92.7	118	86-10-05	14.7	8.121	CLOSE
DOC-86-408								
ALLOC			224A		42-41-10	194.8	80.12	72
Saugatuck	MI		92.7		86-10-05	14.7	8.121	CLOSE
ALLOC			225C		44-08-12	28.6	95.62	95
Cadillac	MI		92.9		85-20-33	209.0	.622	CLOSE
WKJF-FM	LIC	Hagar Broadcasting & Inv	225C	100	44-08-12	28.6	95.62	95
Cadillac	MI	BLH-850401KA	92.9	311	85-20-33	209.0	.622	CLOSE



DENNIS KELLY, ESQ.  
ANNAPOLIS, MD

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# FM Spacing study

Title: NEW AYGO, MI  
Channel 223A ( 92.5 MHz)

Latitude: 43-23-00  
Longitude: 85-55-00

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
WXRT	LIC	Group W Broadcasting, In	226B	6.70DA	41-53-56	220.8	216.3	69
Chicago	IL	BLH-810930AF	93.1	399	87-37-23	39.6	147.3	CLEAR
DA: oddball ODD800310AK @ 0 deg								

WMOM	CP	Bay View Broadcasting, I	276A	3	43-46-05	316.5	59.24	10
Pentwater	MI	BPH-950531ME	103.1	-7	86-25-28	136.1	49.24	CLEAR

ALLOC			277B		42-21-19	157.5	123.5	15
Battle Creek	MI		103.3		85-20-28	337.9	108.5	CLEAR

>> End of channel 223A study <<

1" = 12.872KM

200KM FROM 223C1  
ATLANTA, MI

PRECLUSION OF  
CHANNEL 223

DATA FROM  
1996 MICHIGAN  
AERO. CHART

95KM FROM 225C  
CADILLAC, MI

115KM FROM 223A  
ASHLEY, MI

NEWAYGO, MI

31KM FROM 221A  
GRAND HAVEN, MI

LAKE MICHIGAN

72KM FROM 222A  
ALLEGAN, MI

178KM FROM 223B  
WEST BEND, WI

72KM FROM 224A  
SAUGATUCK, MI

MARCH 1997  
03/03/97 JLM

ROBERT R. MOORE, JR.  
CH. 223A, NEWAYGO, MI  
EXHIBIT NO. 2

